

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF NORTH BRUNSWICK
AUTHORIZING AN AGREEMENT WITH TRILLIUM, INC. TO PROVIDE
ENVIRONMENTAL CONSULTING SERVICES AS AN EXTRAORDINARY
UNSPECIFIABLE SERVICE**

WHEREAS, North Brunswick Township is participating with the North Brunswick Board of Education as co-plaintiffs in litigation against defendants who are believed to be responsible for the contamination of soil and groundwater at North Brunswick Township High School, Veteran's Park, and adjoining properties; and

WHEREAS, in 2013 Jacob Grouser, Esq., Special Counsel to the Township, and the Board of Education jointly recommended the hiring of Trillium, Inc. to provide environmental consulting services including expert analysis of soil, historical groundwater and industrial production data, preparation of reports which will be used as evidence in the litigation, and to serve as an expert witness in the litigation (Resolution 59-1.13); and

WHEREAS, it was determined at the time that the Township could not procure these services pursuant to N.J.S.A. 40A:11-1 et seq. under a fair, open, and competitive process, since the Board of Education had already engaged the environmental expert and the potential selection of a different expert witness would not be conducive to the combined interests of the Board of Education and the Township in this litigation; and

WHEREAS, Jacob Grouser, Esq., Special Counsel to the Township, had reviewed the professional credentials, education, and experience of the principals at Trillium, Inc. and believes the principals possess the expertise, extensive training, and proven reputation to provide the analysis, reports and serve as an expert witness in the current litigation; and

WHEREAS, due to ongoing litigation, including additional documents from Bristol-Myers Squibb, it is necessary to engage Trillium, Inc. to provide additional services necessary to review documents, provide expert reports, rebuttal reports, and review expert testimony in the proceedings; and

WHEREAS, the Township, as a local government contracting unit, may also award contracts, under an alternative process to the Fair and Open process pursuant to N.J.S.A. 19:44A-20.4 et seq., that are specialized and of an extraordinary unspecifiable nature; and

WHEREAS, Trillium, Inc. has submitted a proposal dated February 26, 2015 for services that include: review documents, provide expert reports, rebuttal reports, and review expert testimony in the proceedings in total amount not to exceed \$40,950.00, not including deposition and trial testimony which is authorized at an amount not to exceed \$10,000.00; and

WHEREAS, the Board of Education and the Township have agreed to equally share in the expense of the services to be provided by Trillium, Inc. totaling \$40,950.00 not including deposition and trial testimony which is authorized at an amount not to exceed \$10,000.00; and

WHEREAS, Kala Sriranganathan, Chief Financial Officer, has certified that funds are available for the Township's share of \$20,475.00 to review documents, provide expert reports, rebuttal reports and review expert testimony and an amount not to exceed \$5,000.00 for deposition and trial testimony in account C-04-55-C04-021-104.

NOW THEREFORE BE IT RESOLVED, on this 18th day of May, 2015, that the Township Council of the Township of North Brunswick does hereby authorize the Mayor to execute and the Township Clerk to witness an agreement with Trillium, Inc. for said services at an amount not to exceed \$25,475.00 in accordance with their fee schedule.

CERTIFICATION

I, Kala Sriranganathan, Chief Financial Officer of the Township of North Brunswick, certify that funds are available for the Township's share of \$20,475.00 to review documents, provide expert reports, rebuttal reports and review expert testimony and an amount not to exceed \$5,000.00 for deposition and trial testimony in account C-04-55-C04-021-104. Contract # PRO15037.